

## Agricultural Marketing Service, USDA

## § 37.2

regulations that may result in assessment of an organic certification program that certifies agricultural commodities to established specifications or standards.

*Act.* The Agricultural Marketing Act of 1946 (Title II of the act of Congress approved August 14, 1946, 60 Stat. 1087, as amended by Pub. L. 272, 84th Cong., 69 Stat. 553, 7 U.S.C. 1621-1627).

*Agricultural commodity.* Any agricultural commodity or product, raw or processed, that is used for human or animal consumption or use.

*Agricultural Marketing Service.* The Agricultural Marketing Service of the Department.

*Applicant.* Any person who applies for service under the regulations.

*Audit.* A systematic review of the adequacy of program or system documentation, or the review of the completeness of implementation of a documented program or system.

*Auditor.* Person authorized by the Branch to conduct official assessments of agricultural commodity product certification programs.

*Branch.* The Meat Grading and Certification Branch.

*Branch Chief.* The Chief of the Branch, or any officer or employee of the Meat Grading and Certification Branch, Livestock and Seed Program, Agricultural Marketing Service, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his or her stead.

*Department.* The United States Department of Agriculture.

*Deputy Administrator.* The Deputy Administrator of the Livestock and Seed Program of the Agricultural Marketing Service or any officer or employee of the Livestock and Seed Program to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his or her stead.

*Legal holiday.* Those days designated as legal public holidays in Title 5, United States Code, Section 6103(a).

*Livestock and Seed Program.* The Livestock and Seed Program of the Agricultural Marketing Service.

*Part.* The program to assess organic certifying agencies in the regulations.

*Person.* Any individual, partnership, corporation, or other legal entity, or Government agency.

*Quality Manual.* A manual documenting an organic certifying agency's quality system and associated quality certification procedures used to certify organic producers and handlers of organically produced agricultural commodities in accordance with established specifications or standards.

*Regulations.* The regulations in this part.

### § 37.2 Services.

Organic certifying agencies requesting assessment services under this Part shall conform to the provisions of the regulations and the requirements of International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 65—General Requirements for Bodies Operating Product Certification Systems, Ref. No. ISO/IEC Guide 65:1996, or other internationally recognized guidelines or requirements. The Director of the Federal Register approves the incorporation by reference of ISO/IEC Guide 65 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the American National Standards Institute, 11 West 42nd Street, New York, NY 10036. You may inspect a copy at USDA, AMS, LSP, MGCB; STOP 0248, Room 2628-S; 1400 Independence Ave., SW., Washington, DC 20250-0248 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(a) Assessment services provided under the regulations shall consist of:

(1) Review of the adequacy of an applicant's quality manual against the requirements of ISO Guide 65; and

(2) Onsite auditing of an applicant's organic certification program to ensure implementation of the provisions of the quality manual and the applicant's compliance with the requirements of ISO Guide 65.

(b) Organic certifying agencies also may request assessment services under

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other international recognized guidelines or requirements. Developmental assistance in the form of training to explain requirements for quality system assessment is available upon request.

#### § 37.3 Availability of service.

Service under these regulations is available to State and private organic certifying agencies.

#### § 37.4 How to apply for service.

(a) *Application.* Any organic certifying agency may apply to the Branch Chief, Meat Grading and Certification (MGC) Branch, Livestock and Seed (LS) Program, AMS, P.O. Box 96456, Room 2628-South, Washington, DC, 20090-6456 for assessment service. The application shall be made on Form LS-314, Application for Service. The applicant shall provide the following:

(1) The name and address of the establishment at which service is desired;

(2) The name and post office address of the applicant;

(3) The financial interest of the applicant in the program, except where application is made by an official of a State Government agency in their official capacity;

(4) The type of business and services provided;

(5) The type of commodity certified; and

(6) the signature of the applicant (or the signature and title of his representative). The application shall indicate the status of the applicant as an individual, partnership, corporation, or other form of entity. Any change in such status, at any time while service is being received, shall be promptly reported to the Department by the person receiving the service.

(b) *Notice of eligibility for service.* The applicant will be notified whether its application is approved, and the request for service deemed made under the regulations. Upon approval of a request for service, the applicant shall provide a copy of its quality manual.

(c) Applicants requiring additional assessment audits who have already submitted Form LS-314 are not required to submit an additional Form LS-314: *Provided that*, the required in-

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formation on the original Form LS-314 remains unchanged.

#### § 37.5 Order of furnishing service.

Service under the regulations shall be furnished to applicants in the order in which requests for service therefore are received, insofar as consistent with good management, efficiency, and economy.

#### § 37.6 When application may be withdrawn.

An application or a request for service may be withdrawn by the applicant at any time before the application is approved or prior to performance of service: provided that, the applicant shall pay any expenses which have been incurred by the Department in connection with such application.

#### § 37.7 Authority to request service.

Proof of the interest of an applicant involved in the request for service, or of the authority of any person applying for the service on behalf of another may be required, at the discretion of the reviewing official.

#### § 37.8 Financial interest of official.

No auditor or other Department official shall review any programs or documents concerning a certification program in which the official is directly or indirectly financially interested.

#### § 37.9 Access to establishments or records; record retention.

The applicant shall cause records and documents, with respect to which service is requested, to be made easily accessible for examination. Supervisors and other employees of the Department responsible for maintaining uniformity and accuracy of service shall have access to all parts of establishments covered by approved applications for service under the regulations, during normal business hours or during periods of production, for the purpose of evaluating systems or processes associated with an approved certification program. Records and documents shall be retained for at least 5 years beyond the date of the applicant's request for service.